

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES SMALLEY,)
)
 Plaintiff,)
)
 vs.) Case No. 4:10CV319 RWS
)
 MICHAEL GAMACHE, et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

On September 6, 2012, I held that plaintiff may dismiss his complaint without prejudice as long as he agrees to pay defendants for certain fees and costs they incurred. On September 13, 2012, defendants filed an affidavit showing that their fees totaled \$1,440. Upon consideration, the hourly rate and fees requested in the affidavit are reasonable and recoverable under the terms of my September 6, 2012 Order.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's dismissal without prejudice is conditioned upon plaintiff paying defendants \$1,440 should he refile this action.

IT IS FURTHER ORDERED that plaintiff shall notify the Court by September 28, 2012, whether he still wishes to voluntarily dismiss this action.

Sub n Sippel
RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 14th day of September, 2012.